

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DAVID LEE OWENS**

**Plaintiff,**

**v.**

**MOLLY O'TOOLE**

**Defendant.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**No. 3:14-2040**

**ORDER**

Magistrate Judge Holmes has entered a Report and Recommendation (“R & R”) (Docket No. 63) to which no objections have been filed. In the R & R she notes that Plaintiff’s complaints center around his disagreement with the manner of his treatment by Tennessee Department of Correction’s medical providers (including the threatened forcible administration of psychotropic medications), but, since the filing of this lawsuit, the Circuit Court for Davidson County has appointed a limited conservator for Plaintiff who is vested with the right to consent to medical and psychiatric treatment. As a consequence, Magistrate Judge Holmes recommends that Plaintiff’s request for injunctive relief be denied and that this action be dismissed because (1) there is no longer a case or controversy in light of the appointment of a conservator; and (2) “concerns for comity and the authority of the state court to determine and monitor the continued need for a limited conservatorship for Plaintiff require that any issues Plaintiff has with the manner or necessity of any health care be directed to the conservator and/or the state court.” (*Id.* at 4).

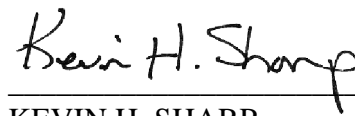
Having undertaken the *de novo* review required by Rule 72 of the Federal Rules of Civil Procedure, the Court agrees with the stated rationale in the R & R and the recommended disposition.

Accordingly,

- (1) The R & R (Docket No. 63) is hereby ACCEPTED and APPROVED;
- (2) The pending Motions (Docket Nos. 45 & 48) are hereby DENIED AS MOOT; and
- (3) This case is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court shall enter final judgment in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

A handwritten signature in black ink, reading "Kevin H. Sharp". The signature is written in a cursive, slightly stylized font. The "K" is large and loops around the "e". The "H" is formed by two vertical strokes. The "S" is a continuous loop. The "h" is a simple vertical stroke. The "a" is a small loop. The "r" is a vertical stroke with a small hook. The "p" is a vertical stroke with a small loop at the bottom.

---

KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE